UNITED
NATIONS

HRI

International
Human Rights
Instruments

Distr.
GENERAL

HRI/CORE/1/Add.4/Rev.1
27 May 2002

Original: ENGLISH

CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

SWEDEN

[24 December 2001]

GE.02-42198 (E) 160702

I. LAND AND PEOPLE

1. The land surface of Sweden covers an area of 450,000 square kilometres. Its population numbers 8.9 mi... ·n people. In the next 10 years, the population is expected to grow by around 200,000 peopie. Large parts of the country are sparsely populated. Eighty-five per cent of the population live in the southern half of Sweden, largely concentrated in urban areas such as Stockholm (1.7 million inhabitants, including those in suburbs), Göteborg (800,000 inhabitants) and Malmö in the south (500,000 inhabitants).

2. The great majority of the population are Swedes, with Swedish as their mother tongue. Sweden is a country characterized by ethnic and cultural diversity. There are five recognized national minorities: Sami, Swedish Finns, Tornedalers, Roma and Jews. The number of residents born abroad is over 900,000, representing more than 150 countries. In addition, nearly 800,000 people born in Sweden have at least one parent born abroad. This means that about one fifth of the total population were either born abroad or born in Sweden with at least one parent born abroad. The main immigrant groups are those from Finland, Yugoslavia, Norway, Denmark, Germany, Poland, the Islamic Republic of Iran, Iraq and Turkey.

3. Although Sweden is a secular society, approximately 83 per cent of the population belongs to the Church of Sweden.

4. The literacy rate is estimated at 100 per cent for Swedish adults.

5. Life expectancy in Sweden is high, 77.5 years for men and 82 years for women. The fertility rate is 1.55 (2000). The infant mortality rate at twelve months is 4.0 per 1,000 live births for boys and 2.8 for girls in 2000. Sweden had seven cases of maternal mortality in 1998.

6. The percentage of women over 65 years of age is 19.6, the equivalent figure for men is 14.8; 17.7 per cent of the female population is under 15 years compared to 19.0 per cent of the male population.

7. In 2000, 79 per cent of women aged 20-64 were in the labour force, compared with 84 per cent of men.

8. The overall unemployment rate in 2000 was 4.7 per cent of the labour force, for Nordic citizens 6.7 per cent and for other foreign citizens 16.9 per cent.

9. During the twentieth century, Sweden developed from a largely agricultural nation to an industrial State. As a result of this development, the Swedish population has achieved a high standard of living. The average per capita income of Swedish men and women was Skr. 198,900 and Skr. 137,000 respectively in 1999.

10. In 2000, the Swedish gross domestic product amounted to Skr. 2,083,000,000. The external debt, not including stocks and shares, was Skr. 236 billion. In July 2001, the inflation rate was 2.9 per cent.

II. GENERAL POLITICAL STRUCTURE

11. Sweden is a constitutional monarchy with a long tradition as a parliamentary democracy. Swedish parliamentarianism began to evolve in the nineteenth century, when political power started to be transferred from the monarch to the parliament. The principle of separation of political power between the executive and the legislative organs of State was laid down in the Constitution of 1809, i.e. the Instrument of Government (*regeringsformen*).

12. The early twentieth century saw a gradual expansion of the electorate. Universal suffrage was introduced in 1909 for men, and in 1921 for women.

13. During the first half of the twentieth century Sweden began to develop into a welfare State. This period saw the evolution and expansion of the Swedish social security system and widespread economic development.

14. With the exception of the period during the Second World War, when Sweden was ruled by a coalition, political power was held by the Social Democratic Party from 1932 to the 1976 elections. In 1976, the Social Democrats lost power to the right-wing parties. In 1982, the Social Democrats regained power, lost it again to a non-socialist coalition of four parties in the 1991 elections but took over once more in 1994 and remained in power after the election of 1998. The present Government cooperates closely with two other parliamentary parties - the Left Party and the Green Party.

15. Sweden has been a member of the European Union since 1995.

16. The present Constitution of Sweden consists of four separate acts: the Instrument of Government (IG) of 1974 (for easy reference sometimes referred to as the Constitution), the Act of Succession passed in 1810 and amended in 1979, the Freedom of the Press Act of 1949 and the Freedom of Expression Act of 1991. The Constitution is based on the principles of popular sovereignty, representative democracy and parliamentarism.

17. Legislative power rests chiefly with parliament (the Riksdag), although the Government has certain subsidiary regulatory powers. The parliament is unicameral, and constituted by direct elections. The electorate comprises all Swedish citizens aged 18 and above, who are, or have been, resident in Sweden. There are 349 seats in parliament. The electoral method is based on proportionality. General elections are held on the third Sunday of September every four years. The Government may call for extraordinary elections between ordinary ones.

18. Municipal elections are held at the same time as general elections. Apart from Swedish citizens, citizens of the European Union, Norway and Iceland who are legally resident in Sweden as well as other foreign nationals who have been legally resident in Sweden for more than three years can participate in these elections.

19. Those who can participate in the elections to the parliament may also participate in the elections to the Parliament of the European Union.

20. An important function of parliament is its control of the executive power exercised by the Government. Parliament can enter censure votes by absolute majority leading to the resignation of individual ministers or of the whole Government, unless the Government calls for new elections within a week.

21. Further legislative control is exercised by the Law Council (Lagrådet), which consists of members of the Supreme Court and the Supreme Administrative Court. The Council gives opinions on draft bills referred to it by the Government. These opinions are open to the public. The Government is not, however, under an obligation to act on recommendations made by the Council.

22. The duties of the King as Head of State are mainly of a ceremonial national nature. Changes of Government are affected at a special cabinet meeting before the Head of State. He declares open the annual session of the parliament and he presides over the Foreign Affairs Advisory Council. The Head of State shall also be kept informed by the Prime Minister concerning the affairs of the realm.

23. Political power is vested in the Government. According to the Constitution, the Government, not the monarch, has the formal power of governmental decision. It is the Speaker of the Parliament that proposes a new Prime Minister to parliament after consultation with the political parties represented in parliament. The Prime Minister appoints cabinet ministers, and chooses which ministers are to be heads of ministries. He has the power to dismiss a Cabinet minister at any time.

24. Responsibility for government decisions lies with the Government as a whole, in accordance with the principle of collective responsibility.

25. The judicial system consists of general courts and administrative courts. The courts concerned with general matters are the district courts, the courts of appeal and the Supreme Court. There are regional administrative courts, administrative courts of appeal and a Supreme Administrative Court for administrative matters.

26. According to chapter 11, section 2, of the Instrument of Government, neither public authorities nor parliament may dictate the outcome of a case sub judice or attempt to influence the court in its application of a rule of law in a particular case.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

27. Swedish law has been influenced by both continental law and common law, although it has more in common with continental legal systems. Swedish law is largely based on statute law, and case law plays a subsidiary role as a source of law. The law is not, however, laid down in one comprehensive code but in some major codes and a number of specific Acts.

A. Authorities which have jurisdiction affecting human rights

28. Legislation in Sweden for the protection of individuals against the State dates back to around 1350. Today, the fundamental rights and freedoms are included in chapter 2 of the Swedish Instrument of Government, which contains an enumeration of basic rights and freedoms. There are also the Freedom of the Press Act and the Freedom of Expression Act, which also form part of the Constitution.

29. As mentioned above, there are courts of law for the administration of justice and State and municipal administrative authorities for public administration. Legal matters are thus dealt with by general courts, administrative courts and administrative authorities. According to the Constitution, courts, public authorities and others which perform functions within the public administration shall observe in their work the equality of all persons under the law and shall maintain objectivity and impartiality.

1. The courts

30. The courts are responsible for the administration of justice (IG, chap. 1, sect. 8). IG chapter 11, section 3, lays down that a legal dispute between private subjects may not be settled by an authority other than a court except by virtue of law. IG chapter 2, section 9, guarantees that it shall always be possible to have a deprivation of liberty tested before a court without undue delay. With regard to the organization of the judiciary, IG makes reference to the Supreme Court and the Supreme Administrative Court (IG, chap. 11, sect. 1) and adds that any other court must be established by virtue of law. Provisions concerning the functions of the courts relating to the administration of justice, the principal features of the organization of the courts and legal proceedings shall be laid down in an act of law (IG, chap. 11, sect. 4).

31. The independence of the courts is safeguarded by the Instrument of Government. Neither the parliament nor the Government nor any other public authority may determine how a court shall adjudicate a particular case or how a court in other respects shall apply a rule of law in a particular case (IG, chap. 11, sect. 2). Judges may be removed from office only if, by reason of a criminal act or through gross or repeated neglect of their official duties, they have shown themselves to be manifestly unfit to hold office or if they are under a legal obligation to retire on pension (IG, chap. 11, sect. 5).

32. Sweden ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms in 1952. Sweden has also ratified all the additional protocols to the Convention except Protocol No. 12. Sweden has no reservations to the Convention or the additional protocols. From the very beginning, Sweden recognized the competence of the European Commission on Human Rights to receive petitions from individuals and non-governmental organizations. In 1966, Sweden declared that it recognized the jurisdiction of the European Court of Human Rights to examine complaints. Through a special act of law (Act No. 1994:1219) which entered into force in 1995, the Convention and the additional protocols were incorporated into the Swedish legal system. Thus, Swedish courts and administrative authorities shall apply the Convention and the additional protocols in their decision-making just like all other Swedish legislation.

33. Sweden has ratified the Rome Statute of the International Criminal Court and is in the process of implementing the Statute in domestic legislation.

2. The administrative authorities

34. There are authorities of central Government and authorities of local government and they are responsible for the public administration (IG, chap. 1, sect. 8). A great many tasks incumbent upon the administrative authorities have the nature of services where the element of administration of law is not so conspicuous, e.g. education, defence, health care, etc. But many of these authorities also apply rules of law which are of great importance to private subjects, e.g. rules of law relating to the assessment of tax, social welfare services, physical planning, protection of the environment. The decisions of the administrative authorities in matters of law can normally be appealed against, and the examination of an appeal is in many cases a matter for an administrative court.

35. Swedish administrative authorities are relatively independent in relation to the Government, and this independence is guaranteed by the Instrument of Government. The central administrative boards are directly subordinate to the Government and not to the competent minister (IG, chap. 11, sect. 6). Neither the Riksdag nor the Government nor any other authority shall dictate the decision of an authority in a particular case concerning the exercise of public authority against a private subject or a local government commune, or concerning the application of law (IG, chap. 11, sect. 7). In this respect directives may be given only in the form of rules of a general character. In other cases a superior authority can also give instructions in relation to a particular case. If a court or any other public body finds that a provision conflicts with a provision of a fundamental law, i.e. an Act which forms part of the constitution, or with a provision of any other superior statute, or that the procedure prescribed was set aside in any important respect when the provision was introduced, the provision may not be applied. However, if the provision has been approved by the parliament or by the Government, it may be set aside only if the fault is manifest (IG, chap. 11, sect. 14).

36. All authorities described above have, to a greater or lesser extent, jurisdiction affecting human rights. In other words, since human rights issues permeate various parts of society, such issues are to some degree involved in different kinds of proceedings before those authorities.

37. There is, however, no constitutional court in Sweden. Furthermore, there is no other authority vested with the power to take a stand in matters solely from the viewpoint of human rights as expressed in international covenants or conventions. This may be explained by the fact that, although Sweden's international undertakings in the field of human rights are implemented, international human rights instruments are not, as such, made part of the national legal system of Sweden (cf. the information submitted under section D below).

38. Some institutions are of interest in this context. They form part of the Swedish system of ombudsmen. In Sweden there are six official ombudsmen: Office of the Parliamentary Ombudsman (JO), Consumer Ombudsman (KO), Office of the Equal Opportunities Ombudsman (JämO), Ombudsman against Ethnic Discrimination (DO), Children's Ombudsman (BO), Office of the Disability Ombudsman, and Ombudsman against Discrimination because of Sexual Orientation (HomO).

39. The Office of the Parliamentary Ombudsman (JO) dates back to 1809 and was originally established to provide parliament with a means of controlling the observance of laws and ordinances by all judges, civil servants and military officers. The JO's supervision covers all State and municipal agencies and bodies and their personnel. The supervision does not, however, extend to the performance of ministerial duties. With only a few exceptions, all persons exercising public authority are supervised by the JO. The JO may initiate investigations on his own accord but also deals with complaints made by individuals. Any individual who feels that he has been wronged, may thus submit a written complaint to the JO. The JO concentrates on those complaints which are of importance in terms of striking a just balance between the freedom of the individual and the claims of the community. The investigation carried out by the JO may result in disciplinary sanctions being imposed on a civil servant or a judge. A breach of duty in, for instance, the civil service may also result in criminal charges being brought against the responsible civil servant.

40. The Consumer Ombudsman (KO) is the Director General of the Consumer Agency. The Consumer Agency is a State agency whose task is to help the Swedish general public with consumer affairs. Its fields of work primarily relate to advertising and contract terms, consumer information and education, domestic finances, product safety, quality and environmental impact. The KO represents consumer interests in relation to businesses, and pursues legal action in the consumer interest. The general policy goals are: to help households to make the best possible use of their money and other resources; to strengthen the position of consumers in the market; to protect the health and safety of consumers; to promote the development of patterns of production and consumption which contribute to long-term sustainable development.

41. The Office of the Equal Opportunities Ombudsman (JämO) was established in 1980. It is the task of the JämO to ensure that the provisions of the Equal Opportunities Act are observed. The Act is intended to promote equal rights of men and women with respect to work and working conditions. It includes a prohibition against discrimination on grounds of sex and a demand for active measures to promote equality at places of work. In pursuance of his responsibilities, the JämO, in a case of discrimination, initially tries to negotiate a settlement. If such a settlement is not reached, the case may be brought before the Labour Court. The JämO can, however, only institute proceedings in the Labour Court in cases where the trade union decides not to represent the employee or job applicant in question. The Equal Opportunities Commission is a special body which, pursuant to the Act and at the request of the JämO, can order an employer under penalty of a fine to take specific measures to promote equality in the workplace.

42. Since 1986 there has been an Ombudsman against Ethnic Discrimination (DO). The DO's field of activity encompasses the whole scope of society except for private life. The DO shall pay special attention to ethnic discrimination on the labour market. He gives advice in individual cases and, on a more general level, his activities include discussions at places of work and information at public meetings. All the DO's activities serve to make sure that the legislation in this area is observed and to ascertain what further measures can be taken in order to counteract ethnic discrimination. The DO has the power to make employers, under the threat of a fine, negotiate with and give information to him.

43. The DO is assisted by the Advisory Committee on Questions concerning Ethnic Discrimination. The Committee advises the DO on important questions of principle. It also proposes legislative measures or other actions aiming at the prevention of ethnic discrimination. Furthermore, the Committee reviews decisions taken by the DO concerning orders on fines.

44. Swedish children and young people up to the age of 18 have an ombudsman of their own, the Children's Ombudsman (BO). The Children's Ombudsman's main task is to safeguard the rights and interests of children and young people as laid down in the Convention on the Rights of the Child. The Children's Ombudsman has the task of observing matters affecting the rights and interests of children and young people. In particular, the Ombudsman shall verify that laws and statutory instruments, as well as their implementation, agree with Sweden's commitments under the Convention on the Rights of the Child. Issues falling outside the scope of the Convention can also be taken up if they involve the rights and areas of interest that the Children's Ombudsman monitors. The Children's Ombudsman is an independent non-political body. The Children's Ombudsman gives legal advice and information and acts as a consultative body in the process of drawing up legislation covering children and young people.

45. The Office of the Disability Ombudsman (*Handikappombudsmannen*) was established in 1994 to monitor issues relating to the rights and interests of persons with disabilities. The Ombudsman works to achieve the general objectives of disability policy - full participation and equality for people with disabilities. The Ombudsman's activity is regulated in a special statute. One of its provisions is that authorities may not refuse to provide information to, or engage in negotiations with, the Office of the Disability Ombudsman. The Ombudsman seeks to remedy legislative deficiencies and to raise the issue of statutory amendments, etc. The Ombudsman also takes the initiative in alleviating legal shortcomings for persons with disabilities. One of the Ombudsman's central tasks is to evaluate and disseminate information about the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, adopted by the United Nations in 1993. The Ombudsman shall also investigate the extent to which these rules are generally respected and implemented, for example by government agencies or local authorities.

46. The Ombudsman against Discrimination because of Sexual Orientation (HomO) is a government authority that was established on 1 May 1999. The authority is commissioned to combat discrimination because of sexual orientation in all areas of Swedish society. Discrimination because of sexual orientation means unfair or degrading treatment that has a connection with a person's homosexuality, bisexuality or heterosexuality. The Ombudsman can act after receiving complaints or undertake initiatives on his own without the submission of an underlying complaint. If the Ombudsman discovers that discrimination because of sexual orientation has occurred within some area of society, the Ombudsman can attempt to change the situation through contacts with other government authorities, companies, organizations, etc. The Ombudsman is also commissioned to present proposals to the Government for changes in legislation or other measures that are needed to counteract discrimination because of sexual orientation.

B. Remedies and compensation

47. As appears from the information submitted in section A, human rights issues form an intrinsic part of many different kinds of actions brought before Swedish courts and authorities. It would therefore prove difficult to produce an exhaustive list of all available remedies concerning individual human rights.

48. If a person alleges that he or she has been subjected to illegal practices, the allegations can be submitted to a public prosecutor for investigation. As a rule, such an investigation should be undertaken by the prosecutor ex officio if there are reasonable grounds to believe that an offence has been committed. The victim of a crime may, however, himself institute criminal proceedings in two cases, namely when the prosecutor has decided not to prosecute and when false accusations or indictments have been levelled against him/her. If the victim has been killed, this remedy is also open to the surviving family.

49. In connection with criminal proceeding with regard to a certain offence, an individual may bring an action for damages resulting from the offence, according to chapter 22, section 1, of the Code of Judicial Procedure. In general, the public prosecutor, on request of the injured person, has the duty to prepare and present the injured person's claim together with the prosecution. If the action for damages is not taken up together with the criminal proceedings, either because the public prosecutor decides not to sue for damages on behalf of the victim or because the court decides that the matter should be dealt with separately, the individual can make a separate civil claim. This claim can be pursued in accordance with the procedure for civil proceedings. On the other hand, if a separate action is brought against the accused in criminal proceedings, the court may decide to treat the civil and criminal proceedings jointly.

50. As an example, a remedy of relevance to the right to protection of privacy and home (cf. article 17, paragraph 1, of the International Covenant on Civil and Political Rights) can be given. If a member of the police force were to conduct a search of somebody's house without prior warrant, the wronged individual then has several avenues of recourse open to him. To begin with, he may demand that the police authority investigate the matter and take action. Such action may consist of disciplinary sanctions being imposed on the police officer. It may also result in the case being reported to the public prosecutor, who in turn may press charges against the officer. Should the prosecutor decide to waive prosecution, the wronged individual may himself institute prosecution. He may of course also report the matter to the JO, who is also able to institute criminal proceedings (cf. the information submitted under section A above).

51. With regard to the question of compensation, the individual victim may request the prosecutor to assist him/her in presenting a private claim for damages to the court in connection with a trial in a criminal case. However, if for some reason the individual prefers not to have the private claim dealt with in that context, he/she may institute proceedings aiming at compensation in the manner prescribed for civil actions. Legal aid may be granted in such cases. The victim may under certain circumstances be granted legal aid in the form of a public assistant.

52. As was mentioned under section A above, cases of discrimination on grounds of sex may be brought before the Labour Court either by the JämO or by a union. The Court may order any employer who has acted in breach of the prohibition of discrimination in the Equal Opportunity Act to pay compensation to the person or persons suffering discrimination.

53. All the ombudsmen mentioned under section A above deal with the individual complaints within their respective fields of responsibility. It is therefore possible for any affronted individual to notify the appropriate ombudsman of what has happened.

54. According to the 1972 Tort Liability Act, the State or a municipality is obliged to pay compensation for damage caused by a wrongful act or an omission in the course of, or in connection with, the exercise of public authority, the responsibility of which lies with the State or the municipality (chap. 3, sect. 2).

55. There is yet another means by which a person may obtain compensation. If there has been an unjust interference with an individual's right to liberty, that individual has the right to be awarded damages by the State. The 1974 Act concerning Damages for the Restriction of Liberty contains provisions on the matter. The Act applies to individuals who have been detained on different grounds. The Act encompasses those unjustly detained on suspicion of crime, forbidden to travel or admitted to a forensic psychiatric institution as a result of such suspicion as well as military personnel having wrongfully been subjected to disciplinary sanctions and persons unjustly detained, as a result of a court order, in an institution for the mentally ill or the mentally retarded.

C. Constitutional provisions on human rights

56. Human rights and fundamental freedoms have been protected under Swedish law since about 1350. Today, fundamental rights and freedoms are protected by the Constitution. There is no separate bill of rights. Instead, the Constitution provides protection for civil, political, social and cultural rights, as well as for freedom of the press.

57. Chapter 2 of the Instrument of Government contains an enumeration of a number of the most important human rights and freedoms referred to in human rights instruments. Some of the rights and freedoms detailed in the provisions of chapter 2 are absolute, and may only be restricted or abolished by means of an amendment to the Constitution. Other rights and freedoms are laid down in the Constitution, but may nonetheless be restricted by Act of Parliament.

58. The absolute rights and freedoms laid down in chapter 2 of the Instrument of Government are the freedom of worship, protection against coercion by public authorities to divulge an opinion in a political, religious or cultural or similar connection, protection against coercion to participate in meetings for the formation of opinion, to belong to a political association, a religious congregation or other such association. Furthermore, no record about a citizen's political opinions may be put into a public register without his consent.

59. Chapter 2, section 4, lays down an absolute prohibition of capital punishment, i.e. capital punishment is prohibited both in peacetime and in wartime. Corporal punishment, torture and medical influence or intervention for the purpose of extorting or suppressing statements are prohibited under section 5 of the same chapter.

60. No citizen may be deported or refused entry into Sweden. The Constitution also guarantees the right to have a deprivation of liberty imposed on a citizen tried by a court of law or an authority of equal rank.

61. The prohibition against retroactive penal legislation may not be restricted. The same applies as a principle to fiscal legislation. Equally, the Constitution provides for an absolute prohibition against the establishment of a court for the trial of an offence already committed, for a particular dispute or for a particular case. Citizens have a right to compensation in the event of expropriation or any other such disposition. No act of law or other statutory instrument may entail discrimination against any citizen because he belongs to a minority in terms of race, skin colour, or ethnic origin.

62. The absolute rights outlined above are complemented by rights and freedoms which may be restricted under law under the conditions described below. This second category of rights and freedoms is characterized by the existence of opposing interests which must be taken into account. The provisions which may be circumscribed include those concerning the freedom of speech, freedom of information, freedom of assembly, freedom of demonstration and freedom of association.

63. Other rights and freedoms which may be restricted are the protection from physical violence, as well as protection from personal search, and protection from house search and similar intrusions. Furthermore, citizens are protected from the examination of mail, wiretapping and similar interference with confidential communication. The Constitution also provides protection for all citizens in their relations with the public administration from deprivations of liberty and other restraints on the freedom of movement, and stipulates a right to public court proceedings.

64. The scope for restricting these constitutional rights is strictly limited. The Constitution provides a list of conditions which must be fulfilled in order for a restriction of a constitutional right to be permissible. Under chapter 2, section 12, the restriction must satisfy a purpose acceptable in a democratic society. It must not exceed what is necessary with regard to the reason which prompted it, nor may it pose a threat to the free formation of opinion as one of the foundations of a democracy. A constitutional right or freedom may not be restricted solely because of citizens' political, religious, cultural or similar views. Finally, no restriction may be imposed which is discriminatory.

65. Further limitations on the possibility of imposing restrictions apply to certain constitutional rights and freedoms. For example, restrictions of the freedom of association are permitted only with respect to organized groups of a military or similar nature, or which engage in racial persecution.

66. Bills to parliament proposing laws restricting the above rights and freedoms are subject to a special legislative process. A parliamentary minority of no fewer than 10 members can with only a few exceptions stay such a proposal for 12 months. After this period it can be adopted by a simple majority decision in the usual manner.

67. The Instrument of Government also provides for a general prohibition of laws and regulations which discriminate against minorities or individuals on grounds of sex. This does not, however, preclude legislation which promotes equality between the sexes, or which concerns conscription or corresponding official duties.

68. Human rights and fundamental freedoms are protected in Sweden through the principles laid down in the European Convention on Human Rights, which, as mentioned under section A above, is today part of Swedish law. Pursuant to chapter 2, section 23, of the Instrument of Government no acts of law or other regulations may be adopted which contravene Sweden's undertakings under the Convention.

69. The protection provided by the European Convention for the Protection of Human Rights and Fundamental Freedoms is a part of European Community law. Further, article 6 of the Treaty of the European Union declares that the Union shall respect the fundamental rights protected in the Convention and in national constitutions.

70. Certain human rights are laid down in legislation concerning specific areas of society. For example, labour laws allow unions and employers to engage in strikes or lockouts. Copyright legislation provides authors and artists with specific rights. Important provisions for the protection of personal integrity are enacted in the Personal Data Act, which regulates the use of computer files containing information about individuals.

71. On a more general level, social and cultural rights are protected by the first chapter of the Instrument of Government. Chapter I, section 2, states that "Public power shall be exercised with respect for the equal worth of all and for the freedom and dignity of the individual". The fundamental aims of public activity are the personal, economic and cultural welfare of the individual. The provision also specifically states that it is incumbent upon the public administration to secure the right to work, housing and education. The Government and the public authorities shall also promote social care and social security and a good living environment.

72. Furthermore, the public administration has a constitutional duty to promote the ideals of democracy as guidelines in all sectors of society. It shall guarantee equal rights to men and women and protect the private and family lives of the individual. In addition, it should promote opportunities for the preservation and development of the cultural and social life of ethnic, religious and linguistic minorities.

73. The existence of a free press is a fundamental basis for a free and democratic society. The Freedom of the Press Act, which as stated above forms part of the Constitution, guarantees the freedom of the press and the right of access to public documents as constitutional rights. All

Swedish citizens may express their thoughts and views in print, publish any written matter and make known information on any subject. In principle, aliens have the same rights as Swedish citizens in this respect.

74. The Freedom of the Press Act has, with effect from 1 January 1992, been supplemented by a new Freedom of Expression Act. The purpose of this new constitutional document is, e.g. to ensure the freedom to express thoughts and opinions on the radio, on television, in films and on video, and to safeguard against censorship in these media. The Act is based on the same fundamental principles as the Freedom of the Press Act.

75. In the framework of the European Community there are several provisions concerning the principle of non-discrimination. The Treaty of Amsterdam introduced article 13 which complements existing powers to tackle discrimination against people on the grounds of specific characteristics, notably article 141 (gender discrimination), article 137 (measures to tackle exclusion from the labour market) and article 12 (discrimination on the grounds of nationality).

76. Under article 13, the Community has the power to take action to combat discrimination based on the grounds of race and ethnic origin, religion and belief, sex, disability, age, and sexual orientation.

D. International law and national legislation

77. International treaties do not automatically become part of Swedish law. Sweden adheres to a dualist legal system whereby treaties, in order to become part of the law, must be transformed or formally incorporated into the Swedish statutes. Treaties are usually transformed into Swedish law by the enactment of equivalent provisions in an existing or a new Swedish statute. In rare cases, a treaty can be incorporated by means of a general law, stating that the treaty shall apply in Sweden as Swedish law. One example is the European Convention for the Protection of Human Rights and Fundamental Freedoms which entered into force as Swedish law in 1995.

78. As part of the process of acceding to an international treaty, relevant Swedish legislation is subjected to careful review to ascertain that it is in conformity with the treaty in question. If amendments are needed to existing legislation, such amendments are normally proposed in the bill to parliament in which the Government puts forward the treaty for approval. These amendments are usually approved and enacted before the Government, with the consent of parliament, can decide to ratify the treaty.

79. Once incorporated or transformed into Swedish law, the material content of international treaties is enforceable in Swedish courts of law.

80. To be able to fulfil the obligations under a human rights treaty it is not enough to review the existing legislation before acceding to it. Every year a number of bills are presented to parliament with proposals for legislation which might affect human rights. Also, new legislation has to conform to the international human rights obligations. Therefore, procedures have been set up to ascertain that no new legislation contravenes the human rights treaties to which Sweden is a party. The first of these procedures is a control inside the Government, first of all in the

ministry responsible for drafting the legislation. All draft bills containing new legislation are sent to the Ministry for Foreign Affairs. There, a review is made of the conformity of the new legislation with the European Convention on Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights treaties. If necessary, the responsible ministry amends the draft legislation to conform to these treaties. The second control is done by the Law Council. (See above under II.)

E. Can international human rights instruments be invoked before, or directly enforced by, national courts and authorities?

81. Provisions of the various human rights instruments are occasionally invoked before Swedish courts, tribunals and administrative authorities. However, these bodies cannot base their decisions on the provisions of those instruments. They can only decide their cases on the basis of Swedish law and human rights instruments, as such, are not part of Swedish law. Consequently, in order to be enforced by the authorities concerned, those instruments must be transformed into internal laws or administrative regulations. As noted above, Sweden's international undertakings are implemented by means of such transformation unless domestic legislation already fulfils the requirements of the human rights instruments. However, as regards the European Convention on Human Rights another method has been used. As mentioned above, this Convention has been made directly applicable by means of a special act of law, according to which the Convention shall apply as Swedish law.

82. However, even if they are not bound by the specific provisions of the human rights instruments which Sweden has ratified or acceded to, courts, tribunals and administrative authorities may use the contents of the human rights instruments as means in their interpretation of domestic legislation. This has in fact been established as a general principle in Swedish case law to the effect that domestic legislation is to be interpreted in the light of its international obligations. In other words, the interpretation should be "biased" in favour of the human rights instruments. This principle has been adopted by both the Supreme Court and the Supreme Administrative Court.

83. A significant feature of European Community law is that under certain circumstances it has direct effect. The European Court of Justice has, in several cases concerning discrimination on the grounds of nationality and sex, ruled that the relevant provisions have direct effect. Hence, European Community law may be invoked before Swedish courts, tribunals and administrative authorities. The provision in article 6 of the Treaty of the European Union concerning the respect for human rights is rendered justiciable by article 46.

F. Institutions or national machinery for overseeing the implementation of human rights

84. The remedies provided for under the Swedish court system are intended to provide a means to protect human rights.

85. As outlined above under section A, the implementation of human rights is also supervised to a great extent by the various ombudsmen.

86. The Parliamentary Ombudsman receives and investigates complaints regarding government officials, judges and other officials in the public service. An ombudsman may initiate legal proceedings under penal law against a civil servant, but it is more common for him to confine himself to a statement in cases where he finds grounds for criticism.

87. In addition to the general supervision exercised by the ombudsmen, special disciplinary procedures regulate the actions of certain professional groups. For example, medical personnel can be subjected to investigation by a disciplinary body which is empowered to rescind medical authorizations. The body can also issue a warning to a member of a medical staff who has acted wrongly, wilfully or by mistake. Similar procedures apply to police officers. Special disciplinary action can be taken against military personnel acting contrary to regulations.

IV. INFORMATION AND PUBLICITY

88. The promotion of awareness of human rights and freedoms is crucial to making human rights an integral part of all aspects of society. Efforts to enhance such awareness concentrate on disseminating texts of human rights instruments in Swedish translation, providing the public and authorities with information regarding the content of those instruments, and promoting an exchange of views on human rights issues with non-governmental organizations.

89. Swedish translations of binding international agreements concluded by Sweden are published in the *Swedish Treaty Series* (*Sveriges internationella överenskommelser*, SÖ). A biennial index to the *Swedish Treaty Series* is published by the Ministry for Foreign Affairs. In addition, Swedish legislation adopted in connection with the conclusion of international agreements is published in the *Swedish Legal Series (Svensk författningssamling)*.

90. Under the Swedish Constitution, the Government is empowered to conclude international agreements. However, agreements which require changes in existing legislation or the promulgation of new legislation must be approved by parliament. Parliamentary approval is also necessary for agreements in areas which lie within the decision-making competence of parliament, and for other agreements of greater importance. The government bill presented to parliament must in most cases include a Swedish translation of the full text of the agreement. Government bills are published in the parliamentary publications, which are widely available to the public.

91. Official statements and speeches on human rights issues are published by the Ministry for Foreign Affairs on a yearly basis in the publication *Utrikesfrågor*, which also is published in English *(Documents on Swedish Foreign Policy)*.

92. Additional information about the content of human rights instruments is provided in the series of booklets on foreign affairs published by the Ministry for Foreign Affairs *UD informerar (Information from the Ministry for Foreign Affairs)*. The series covers a variety of topics, including human rights. For example, booklets have been published concerning the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, as well as publications such as *Human Rights in Swedish Foreign Policy* and *Democracy and Human*

Rights in Sweden's Development Cooperation. The booklet concerning the European Convention on Human Rights, which describes the complaint procedure under the Convention, includes summaries of the judgements of the European Court of Human Rights in cases against Sweden. These publications are available to the public free of cost.

93. The Swedish Government is responsible for the fulfilment of Sweden's obligations under human rights instruments to which Sweden is a party and therefore also for the preparations of the periodic reports that should be submitted to the different committees. Since the scope of these reports is quite wide and covers a lot of different issues, several specialized ministries have to be involved in the preparatory process. The Swedish Government strongly supports alternative reports to the State report - so-called "shadow reports" - elaborated by the civil society and transmitted to the committees as the civil society plays an important role in the reporting process.